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8 Attorneys for Defendants  
9 **TERRA VAC CORPORATION and**  
10 **TERRA-VAC, INC. dba TERRA-VAC, P.R.**

11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA  
13

14 JACOB CALANNO,

15 Plaintiff,

16 v.

17 TERRA VAC CORPORATION, a California  
18 corporation; TERRA-VAC, INC., a  
19 corporation, dba TERRA-VAC, P.R.; and  
20 DOES 1 through 100, inclusive

21 Defendants.

CASE NO. 07cv2052-BTM (POR)

Hearing Date: 05/02/2008

Time : 11:00 a.m.

Courtroom : 15

NOTICE OF MOTION AND MOTION  
TO DISMISS FOR FAILURE TO  
STATE A CLAIM UPON WHICH  
RELIEF CAN BE GRANTED (FRCP  
12(b)(6))

NO ORAL ARGUMENT UNLESS  
REQUESTED BY THE COURT

22 **TO: PLAINTIFF AND HIS ATTORNEY OF RECORD:**

23 **PLEASE TAKE NOTICE** that on May 2, 2008 at 11:00 a.m. or as soon thereafter as the  
24 matter may be heard in the above-entitled court, located at United States District Court, Southern  
25 District of California, 940 Front Street, San Diego, CA 92101-8900, defendants TERRA VAC  
26 CORPORATION, TERRA-VAC, INC. dba TERRA-VAC, P.R. WILL MOVE THE COURT TO  
27 DISMISS THE ACTION PURSUANT TO FRCP 12(b)(6) because plaintiff's complaint fails to  
28 state a claim upon which relief can be granted.

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1 The motion will be based on this Notice of Motion and Motion, the Memorandum of  
2 Points and Authorities filed herewith, and the pleadings and papers filed herein.

3  
4 Dated: 3/18/08

**MAXIE RHEINHEIMER STEPHENS &  
VREVICH, LLP**

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6  
7 By: 

8 Barry M. Vrevich  
9 Jillian M. Fairchild  
10 Attorneys for Defendant, **TERRA VAC**  
11 **CORPORATION and TERRA-VAC,**  
12 **INC. dba TERRA-VAC, P.R.**  
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